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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/517,613	03/02/2000	Thiru Srinivasan	1642(42059-01010)	4139

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[REDACTED] EXAMINER

ENGLAND, DAVID E

ART UNIT	PAPER NUMBER
2143	4

DATE MAILED: 11/21/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/517,613	SRINIVASAN, THIRU
	Examiner David E. England	Art Unit 2143

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 21 March 2002.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-19 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a)  The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                  | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

1. Claims 1 – 15 are presented for examination.

### *Claim Objections*

1. Claim 6 is objected to because of the following informalities: The word “multimedia,” is misspelled on page 16, line 24, and the word “selection,” is misspelled on page 17, line 1. Appropriate correction is required.
2. Claim 15 is objected to because of the following informalities: Claim 15 ends in a semicolon and not a period, page 19, line 3. Appropriate correction is required.
3. Claim 12 objected to because of the following informalities: The phrase, “further only a,” is improper English. Appropriate correction is required.
4. Claim 19 objected to because of the following informalities: The dependent claim 19 is missing a claim to be dependent on. The examiner will assume that the applicant wishes for claim 19 to be dependent on claim 10. Appropriate correction is required.

### *Claim Rejections - 35 USC § 102*

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

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6. Claims 1 – 7, 9 are rejected under 35 U.S.C. 102(e) as being anticipated by Eyal U.S. Patent No. 6389467.

7.

8. Referencing claim 1, Eyal teaches a system for automatically retrieving and playing multimedia files, comprising:

9. an interface through which access to a data network may be attained, (e.g. cols. 4 – 5);

10. a scheduler which is configurable to receive a listing of multimedia files organized according to a predetermined criteria which are accessible on at least one multimedia website, (e.g. col. 30, lines 17 – 60);

11. a selection interface which provides for presentation of the listing, and is configured to receive and process selections for accessing selected multimedia files from the at least one multimedia website and compiling a download schedule, (e.g. col. 2, line 43 – col. 3, line 9); and

12. a file download device, which based on the download schedule, automatically accesses the remote sites though the interface and downloads the selected multimedia file, (e.g. col. 2, line 43 – col. 3, line 9).

13. Referencing claim 2, Eyal teaches a centralized website employable for generating the listing based on connections established with the at least one multimedia website and providing the listing to the scheduler, (e.g. col. 12, lines 37 – 63).

14. Referencing claim 3, Eyal teaches the data network is the Internet, (e.g. cols. 4 – 5).

15. Referencing claim 4, Eyal teaches the interface, scheduler, selection interface, and download device are configured on a personal computer, (e.g. col. 13, lines 46 – 64).

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16. Referencing claim 5, Eyal teaches at least one of: the scheduler, the selection interface, and the file download device are configured as plugins in a web browser installed in the personal computer, (e.g. col. 27, lines 1 – 46).

17. Referencing claim 6, Eyal teaches the selection interface includes at least one of: a first selection for real time play of the multimedia files which are downloaded; and a second selection for storing in a memory the multimedia files which are downloaded in memory, (e.g. col. 10, line 64 – col. 11, line 2).

18. Referencing claim 7, Eyal teaches an interface is provided for selecting categories from which the listing is created, (e.g. col. 12, lines 37 – 67).

19. Referencing claim 9, Eyal teaches the system includes a media player for playing the multimedia files in real time, (e.g. col. 10, line 64 – col. 11, line 2).

*Claim Rejections - 35 USC § 103*

20. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

21. Claims 8, 10, 12, 14 - 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eyal (6389467) in view of Martino (5987103).

22. As per claim 8, Eyal does not specifically teach a memory to which the multimedia files may be downloaded. Martino teaches a memory to which the multimedia files may be downloaded, (e.g. col. 8, line 56

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– col. 9, line 23). It would be obvious to one skilled in the art at the time the invention was made to combine Martino with Eyal because it is more efficient to have a record of items save in memory so one could view them at any desired time.

23. As per claim 10, Eyal teaches a method of retrieving multimedia files over a data network from a remote site in connection with the data network, comprising the steps of:

24. receiving a listing for the multimedia files for accessing multimedia files on at least one multimedia website, (e.g. col. 30, lines 17 – 60);

25. presenting an interactive interface which includes the listing and through which individual selections may be made for downloading the multimedia files from the at least one multimedia website, (e.g. col. 2, line 43 – col. 3, line 9);

26. receiving an input through the interface selecting a particular number of the multimedia files from the listing, (e.g. col. 2, line 43 – col. 3, line 9);

27. compiling a download schedule based on the received inputs, wherein the schedule includes a description of the multimedia file selected, and download information, (e.g. col. 12, lines 37 – 63 & col. 30, lines 17 – 60); and

28. based on the inputs received through the interface, accessing and downloading over the data network, the selected multimedia files from selected remote sites, (e.g. col. 2, line 43 – col. 3, line 9 & col. 4). Eyal does not specifically teach compiling a download schedule based on the received inputs, wherein the schedule includes a description of the multimedia file selected, day and time for the download, and download information. Martino teaches compiling a download schedule based on the received inputs, wherein the schedule includes a description of the multimedia file selected, day and time for the download, and download information, (e.g. col. 9, line 39 – 67). It would be obvious to one skilled in the art at the time the invention was

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made to combine Martino with Eyal because a user could view the day and time of the file to see if it is old and needs to be updated or is obsolete and requires deletion, making the system more efficient for updated data.

29. As per claim 11, Eyal teaches at least one of the following additional steps:
30. storing the multimedia files in memory, (e.g. col. 32, lines 12 – 19); and
31. playing the selected multimedia files, (e.g. col. 1, line 50 – col. 2, line 26).
  
32. As per claim 12, Eyal does not specifically teach only a predetermined number of multimedia files may be stored in memory. Martino teaches only a predetermined number of multimedia files may be stored in memory, (e.g. col. 9, lines 39 – 67). It would be obvious to one skilled in the art at the time the invention was made to combine Martino with Eyal because it would be more efficient if there was a predetermined number of multimedia files stored because it could free up space to allocate of other files that my require more memory then other multimedia files.
  
33. As per claim 14, Eyal teaches the data network is the Internet, (e.g. cols. 4 – 5).
  
34. As per claim 15, Eyal teaches the multimedia files include at least one of:
35. a video file, (e.g. col. 11, lines 18 – 37);
36. an audio file, (e.g. col. 11, lines 18 – 37).
  
37. As per claim 16, Eyal teaches any scheduling conflicts between the playing of multimedia files is automatically resolved, (e.g. col. 27, line 66 – col. 28, line 11).

38. As per claim 17, Eyal teaches the listing is created based on topical categories, (e.g. col. 12, lines 14 – 67).

39. As per claim 18, Eyal teaches the topical categories are amended based on the received inputs, (e.g. col. 12, lines 14 – 67).

40. As per claim 19, Eyal teaches the listing is created and transmitted, (e.g. col. 21, line 66 – col. 22, line 7), but does not specifically teach the listing is created and transmitted automatically on a periodic basis. Martino teaches the listing is created and transmitted automatically on a periodic basis, (e.g. col. 10, lines 27 – 38). It would be obvious to one skilled in the art at the time the invention was made to combine Martino with Eyal because it would be more convenient for the system to automatically create and transmit the list so to save time and to automatically update any files that are old.

41. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Eyal (6389467) in view of Martino (5987103) in further view of Suzuki (6470356).

42. As per claim 13, Eyal and Martino do not specifically teach the multimedia files are retrieved according to a time schedule. Suzuki teaches the multimedia files are retrieved according to a time schedule, (e.g. col. 1, lines 35 – 60). It would be obvious to one skilled in the art at the time the invention was made to combine Suzuki with the combine system of Eyal and Martino because it would be more efficient if retrieving files were on a time schedule so to keep an even stream of file coming in so to prevent bottle-necking and/or network congestion.

*Conclusion*

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43. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
44. Craig U.S. Patent No. 5790176 discloses Media server for supplying video and multi-media data over the public switched telephone network.
45. Katz et al. U.S. Patent No. 6356971 discloses System for managing multimedia discs, tracks and files on a standalone computer.
46. Tullis et al. U.S. Patent No. 5802314 discloses Method and apparatus for sending and receiving multimedia messages.
47. Killcommons et al. U.S. Patent No. 6424996 discloses Medical network system and method for transfer of information.
48. Hoffert et al. U.S. Patent No. 6370543 discloses Display of media previews.
49. Yao et al. U.S. Patent No. 5956321 discloses Stream scheduling system for real time stream server.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David E. England whose telephone number is 703-305-5333. The examiner can normally be reached on Mon-Thur, 7:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Wiley can be reached on 703-308-5221. The fax phone numbers for the organization where this application or proceeding is assigned are none for regular communications and none for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is none.

David E. England  
Examiner  
Art Unit 2143

De *DW*  
November 18, 2002



DAVID WILEY  
SUPERVISORY PATENT EXAMINER  
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